



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land

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MEETING DATE February 19, 2016 LOCAL EFFECTIVE DATE March 4, 2016 APPROX. FINAL EFFECTIVE DATE March 25, 2016	CONTACT/PHONE Schani Siong Project Manager (805)781-4374	APPLICANT Pace Home, LLC	FILE NO. DRC2014-00141
SUBJECT A request by PACE HOMES, LLC. for a Minor Use Permit/ Coastal Development Permit (DRC2014-00141) to allow for the construction of a two-story, 2,170 square-foot single-family dwelling with an attached 430 square-foot garage, a 250 square-foot balcony and a 120 square foot roof deck on a vacant parcel. This permit also allows the proposed residence to be used as a residential vacation rental. The project will result in the disturbance of the entire 3,000 square-foot parcel. The proposed project is within the Residential Multi-Family land use category and is located at 340 Juanita Ave., approximately 0.4 miles southwest of the Highway 1 and Pier Avenue intersection, in the community of Oceano. The site is in the San Luis Bay (Coastal) planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2014-00141 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on January 15, 2016 (ED15-076).			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Local Coastal Plan, Coastal Appealable Zone, Archaeologically Sensitive Area, Flood Hazard, Small Scale Neighborhood, Airport Review Area	ASSESSOR PARCEL NUMBER 061-022-008	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Airport Review Area, Oceano Beach - Building Height <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Coastal Appealable Zone, Local Coastal Plan, Archaeologically Sensitive Area, Small Scale Neighborhood, Setbacks, Flood Hazard, Airport Review <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Vacant lot	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family/residences <i>South:</i> Residential Multi-Family / wetlands <i>East:</i> Residential Multi-Family/residences <i>West:</i> Residential Multi-Family/residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Airport (Oceano), Oceano CSD and Fire, California Coastal Commission, Oceano Advisory Council, Native American Heritage Commission	
TOPOGRAPHY: Nearly level	VEGETATION: Grass
PROPOSED SERVICES: Water supply: Oceano CSD Sewage Disposal: Oceano CSD Fire Protection: Five Cities Fire Authority	ACCEPTANCE DATE: December 17, 2015

DISCUSSION

PLANNING AREA STANDARDS

The proposed project is located within the San Luis Bay Planning area and is subject to the following standards.

Airport Review. Allowable uses are limited to those designated as “compatible” or “conditionally approvable” by the adopted Oceano County Airport Land Use Plan. All permit applications for sites within the boundary of the adopted Oceano County Airport Land Use Plan are subject to the development standards set forth in that plan.

Staff comments: The project was referred to the Airport Land Use Committee and is required to record applicable Avigation easement and airport proximity disclosure condition for its use as a vacation rental (Oceano Airport Land Use Committee, June 3, 2015). The project will be conditioned to meet all applicable standards of the Oceano Airport Land Use Plan.

Oceano Beach. Structures shall not exceed 25 feet.

Staff comments: The proposed project is 25 feet in height and complies with this standard.

LAND USE ORDINANCE STANDARDS

Section 23.07.120: Local Coastal Program. The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.01.043(c)(3)(i): Appeals to the Coastal Commission (Coastal Appealable Zone). The project is appealable to the Coastal Commission because the subject parcel is located between the ocean and the first public road paralleling the shoreline.

Section 23.04.100: Setbacks. Front setbacks shall be 25 feet from the front property line. The side setbacks shall be 10 percent of the lot width, to a maximum of five feet on sites less than one acre in net area. The rear setback shall be 10 feet from the rear property line.

Staff comments: The width of the lot is 30 feet; therefore the side setbacks shall be 3 feet. The proposed side setbacks are 3 feet. The proposed rear setback is 10 feet. The proposed front

setback is 20 feet, and shall be conditioned to meet the 25 feet setback. Aside from the front setback, this project complies with the setbacks.

Section 23.04.160 Parking. Two parking spaces are required for single family dwellings. Required parking spaces may not be located within the required front setback, except in a Residential Multi-Family category qualifying for medium- or high-intensity development.

Staff comments: The proposed project includes a two-car garage and complies with this standard.

Section 23.04.180 Landscape, Screening, and Fencing. The purpose of landscape, screening and fencing standards are to: provide areas which can absorb rainfall to assist in reducing storm water runoff; control erosion; preserve natural resources; promote, preserve and enhance native plant species; reduce glare and noise; enhance the appearance of structures and property; and to provide visual privacy, while recognizing the need to use water resources as efficiently as possible.

Staff comments: This project has been conditioned to comply with this standard.

Section 23.05.106 Curbs, Gutters and Sidewalks. Curb Gutter and Sidewalk is required with any project in the Residential Multi-Family category within the urban reserve line.

Staff comments: This project is conditioned to comply with this standard.

Special Uses

Section 23.08.165 Residential Vacation Rentals

This section of the CZLUO governs the establishment of residential vacation rentals in the coastal zone. However, the standards set forth in this section only apply to the urban areas of Cambria, Cayucos and Avila Beach.

Staff Comments: While the standards set forth in Section 23.08.165 apply only to the urban areas of Cambria, Cayucos and Avila Beach, they have been applied to vacation rentals in other locations to ensure compatibility with surrounding residential uses. In accordance with Section 23.08.165, a proposed residential vacation rental may not operate differently than a full time occupied single family residence. Therefore conditions for residential vacation rental operational standards are recommended to ensure compliance with parking, the number of occupants, and the designation of a 24-hour property manager contact. Through enforcement of these conditions, potential impacts to surrounding residents can be avoided.

COMBINING DESIGNATIONS

Airport Review Area. The Airport Review combining designation is applied to specific parcels by the Official Maps (Part III) of the Land Use Element, to recognize areas around airports where certain land uses and site development characteristics may conflict with aircraft maneuvers or with the safe and functional use of the airport. The standards of these sections regulate objects affecting navigable airspace, consistent with federal regulations.

Staff comments: The proposed project is conditioned to meet these applicable standards per the Airport Land Use Plan

Flood Hazard Area. The purpose of this designation is to prevent hazards to life and property from possible inundation by a 100 year flood and to minimize the effects of development on drainage ways and watercourses. Section 22.14.060 requires drainage plan approval where any portion of the proposed site is located within a Flood Hazard combining designation.

Staff comments: This project is conditioned to comply with these standards.

Archaeologically Sensitive Area. Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator.

Staff comments: An archaeological surface survey was submitted for this project. The survey produced negative results, and was recommended that no further archaeological studies should be required (Conway, 2015).

Small Scale Neighborhoods. This classification is for neighborhoods that have primary use by residents and secondary use by the general public using accessways to scenic shoreline areas and include the Multi-Family categories west of Highway 1 in Oceano.

Staff comment: There are no specific standards applicable for this project.

COASTAL PLAN POLICIES:

Following is a brief discussion of applicable Coastal Plan Policies:

Shoreline Access:	N/A
Recreation and Visitor Serving: <input checked="" type="checkbox"/>	Policy No(s): 1
Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating and Port Facilities:	N/A
Environmentally Sensitive Habitats:	N/A
Agriculture:	N/A
Public Works: <input checked="" type="checkbox"/>	Policy No(s): 7
Coastal Watersheds:	N/A
Visual and Scenic Resources:	N/A
Hazards:	N/A
Archeology:	N/A
Air Quality:	N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

COASTAL PLAN POLICY DISCUSSION:

Recreation and Visitor Serving Facilities

Coastal Plan policies for Recreation and Visitor serving uses are focused primarily on commercial recreational uses and commercial lodging facilities such as hotels, motels, bed and breakfast establishments and recreational vehicle parks. These are all classified as transient lodging in the Coastal Zone Framework for Planning, Table "O". Residential Vacation Rentals are single family residences by design (or occasionally multi-family residences) and are listed in the Residential use group in Table "O". Although they do serve visitors they are sometimes rented by the month, or not rented at all subject to the desire of the property owner. While

Coastal Plan Policies generally encourage visitor serving facilities in certain circumstances, residential vacation rentals are not discussed.

Policy 1: Recreation Opportunities: Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means.

Staff Comments: The proposed project supports this policy by creating visitor serving facilities (lodging) within a proposed single family residence located in the coastal zone. The proposed residence is close to the Pismo State Beach and campgrounds and other facilities for recreational uses in the area. The project is consistent with this policy.

Public Works:

Policy 7: Permit requirements: A permit is required for projects within the coastal zone.

Staff Comments: The applicant is requesting approval of a Minor Use Permit / Coastal Development Permit, consistent with the requirements of this policy.

COMMUNITY ADVISORY GROUP COMMENTS

This project was referred to the Oceano Advisory Council. *This project was reviewed and supported by the Council on June 22, 2015.*

AGENCY REVIEW

Building Division – per response dated May 22, 2015

1. Construction shall comply with the 2013 California Residential Code.
2. The design of the openings, projections, wall rating based on fire separation distance will need to be shown on the plans to comply with CRC Section 302, including Table 302.1(2) for buildings with sprinklers.
3. Provide plans which clearly show the structural design to verify compliance with the prescriptive requirements of the 2013 California Residential Code or any structural element not complying with the prescriptive requirements will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design
4. Provide electrical plans with notes to show the location of the main electrical panel, sub-panels, receptacles, lights, switches, and smoke detectors and Co alarms to verify compliance with the 2013 California Electrical Code.
5. Provide notes and information on the plans for the plumbing fixtures requirements, the design of the waste lines, vents, and water lines will all need to comply with the 2013 CPC.
6. Energy calculation will need to be submitted to verify compliance with the 2013 California Energy Code.
7. The plans will need show compliance with the 2013 California Green Building Code and the County of San Luis Obispo's Green Building Ordinance.
8. Fire sprinklers will be required under a separate permit application. Provide plans showing the design and layout for the sprinkler system.
9. A grading plan may be required depending on the total area of disturbance.

Public Works – per response dated May 29, 2015

1. Provide base flood elevation and the finished floor elevation required to meet the County LUO.
2. The proposed project triggers Curb Gutter and Sidewalk requirements per 23.05.106. Improvement plans must be submitted to Public Works for review and approval. Prior to building permit issuance the owner must post a performance bond in accordance with the ordinance.
3. The proposed project is within a flood hazard area. A Flood Hazard Plan is required to be reviewed at the time of Building Permit submittal by Public Works. The applicant should review the Land Use Ordinance prior to future submittal of development permits.
4. The project meets the applicability criteria for Stormwater Management. Therefore, the project is required to submit a Stormwater Control Plan Application and Coversheet. The Storm Water Control Plan application and template can be found at:

http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/new_stormwater/SWCP+Application+Pkg.pdf

The Post Construction Requirement (PCR) Handbook can be found at:

http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/new_stormwater/PCR+Handbook+1.1.pdf

Cal Fire – No response.

Airport (Oceano) – per response dated June 3, 2014.

Based on the attached referral, because the property's proximity to the runway, this means the property will experience overflight of aircraft and will experience the noise effects from those aircraft. If not already in place, this parcel should have an Avigation easement in place. Because of its use as a vacation rental, disclosure should be given to the renters advising them of the overflight and potential for noise. Any construction needs to be reviewed by the FAA to ensure no obstructions are created. Review can be initiated on the FAA website.

Staff comments: This project is conditioned to require an avigation easement.

Oceano CSD and Fire – No will serve will be required.

Staff comment: The applicant provided a current water and sewer service bill from the OCSD confirming that the property is already served (previous house on site was demolished in 2013).

Ca. Fish and Wildlife – No response.

California Coastal Commission – No response.

Native American Heritage Commission – No response.

LEGAL LOT STATUS

The one legal parcel consists of portions of historical Lot 36 of Block 40 of the map for Oceano Beach No. 2.

Staff report prepared by Schani Siong and reviewed by Steven McMasters, Supervising Planner.